

H. B. No. 411, A bill to be entitled "An Act amending Article 322 of the 1925 Revised Civil Statutes of Texas, same being Acts of 1927, 40th Legislature, page 22, Chapter 151, by omitting the word 'fortieth' which same is the Fortieth Judicial District of Ellis County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

#### FORTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,

Monday, March 13, 1933.

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of session, was suspended and consent was granted to introduce the following bills:

By Senator Holbrook:

S. B. No. 433, A bill to be entitled "An Act making an appropriation of twenty-five thousand dollars or so much thereof as may be necessary for the construction of a fire-proof and burglar-proof vault in the State Treasury Department, and the installation of a burglar alarm system in said department, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 434, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas of 1925, providing additional purposes for which corporations may be formed under the laws of the State of Texas."

Read and referred to Committee on Civil Jurisprudence.

By Senators Beck, Moore, DeBerry:

S. B. No. 435, A bill to be entitled "An Act amending Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, so as to provide that no officer shall collect any fees from the State of Texas in any case, except murder, where a defendant may, under the indictment, be convicted of a misdemeanor or a felony with punishment assessed at a fine, jail sentence or both such fine and imprisonment in jail, until after the case has been finally disposed of; providing that the provisions of this Act shall not be construed as in any way affecting the provisions of Article 1019, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Beck, Purl, DeBerry, Moore:

S. B. No. 436, A bill to be entitled "An Act amending Article 273, Code of Criminal Procedure of the State of Texas for 1925, by adding thereto subsection 6, providing that the bail bond of an accused shall be conditioned that the principal and sureties will pay all expenses incurred by peace officers in re-arresting the principal in the event the conditions of the bond are violated and he fails

to appear before the court or magistrate on the day stated; that such expense shall be in addition to the principal amount of the bond; that the failure of the bond to contain the condition specified herein shall not affect its legality, but that the peace officer shall look only to the bondsmen for expenses incurred by him in re-arresting an accused who has violated the conditions of his bond; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Beck, Moore, DeBerry, Purl:

S. B. No. 437, A bill to be entitled "An Act amending Article 26, Chapter 2, Title 1, Code of Criminal Procedure, relating to the duties of county attorneys; prescribing their compensation for representing the State, either alone or aiding the district attorney in the prosecution of felony cases, including habeas corpus hearings, where the relator is charged with an offense of the grade of felony, in the district court; providing that such compensation shall be deducted from the compensation allowed district attorneys; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Beck Purl, DeBerry, Moore:

S. B. No. 438, A bill to be entitled "An Act to amend Article 47, Chapter 2, Title 1, Code of Criminal Procedure, so as to provide that when a district clerk fails, neglects or refuses to make any report required of such officer by the Attorney General, that the Attorney General shall notify in writing the Comptroller of Public Accounts of such failure, neglect or refusal, whereupon the Comptroller shall refuse to issue any warrant which may be due to such district clerk until such report is made, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Hopkins:

S. B. No. 439, A bill to be entitled "An Act to authorize the Comptroller of Public Accounts of the State of Texas and other State officials to recognize assignments of salary due or to become due each month to any and every employee of any department of the State of Texas, to any

life insurance company licensed to transact business in the State of Texas, for the purpose of paying premiums on policies of insurance on the life of the assignor or members of the assignor's immediate family; authorizing and directing such disbursing officials to pay sums so assigned to the assignee or its duly authorized agent; repealing all laws and parts of laws in conflict herewith; and, declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Hopkins:

S. B. No. 440, A bill to be entitled "An Act to amend Articles 450, 451 and 539 of the Revised Civil Statutes of Texas; providing for the liquidation of solvent banks through the Banking Commissioner of Texas; providing for procedure for such liquidation; and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Holbrook:

S. B. No. 441, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the regular session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 442, A bill to be entitled "An Act appropriating the sum of Two Hundred Thousand Dollars, or so much thereof as may be necessary, payable out of the General Revenue Fund, to pay the mileage and per diem of members and the salaries and per diem of officers and employees of the Forty-third Legislature of the State of Texas, and declaring an emergency."

Read and referred to Committee on Finance.

#### Senators Excused.

The following Senators were excused for the day on account of important business:

Senator Russek, on motion of Senator Neal.

Senator Fellbaum, on motion of Senator Hopkins.

Senator Sanderford, on motion of Senator Stone.

Senator Patton, on motion of Senator Beck.

#### House Bill No. 153 Re-referred.

On motion of Senator Beck, H. B. No. 153 was withdrawn from the Committee on Public Health, and was re-referred to the Committee on Civil Jurisprudence.

#### Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 374.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. C. R. No. 19 by a viva voce vote.

The House has passed the following bill:

S. B. No. 374, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts heretofore created by special acts of the Legislature, having the board of seven trustees and having included within their boundaries a city whose population was in excess of two hundred thousand as shown by the last preceding Federal census; adjusting the terms of office of trustees to conform to the provisions of this Act; providing for the election of trustees of such independent school districts; providing for the filling of all vacancies in the office of trustees of such districts; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Message From the Governor.

Executive Office,  
Austin, Texas, March 13, 1933.  
To the Forty-third Legislature:

As emergency legislation I submit for your consideration the question of a moratorium of all trial

courts exercising jurisdiction within the State of Texas in the matter of foreclosure under final judgment of causes of action based on mortgages, deeds of trust and other liens wherein the recovery of the property or foreclosures of liens is sought. While I realize there may be serious legal questions involved, yet, the present state of affairs is so desperate that I deem it my duty to bring the matter to your attention.

In the same broad spirit of humanity which has brought about the cooperating powers of the government to aid the financial institutions of the State, I think that equal attention should be given to protect the real estate and other property owners of the State from being made the victims of those who would exact a pound of flesh in the time of State and National distress.

Therefore, I submit the legislative subject of foreclosure of mortgages on real estate and other property in Texas.

Respectfully,

MIRIAM A. FERGUSON,  
Governor.

Read and referred to Committee on Civil Jurisprudence.

#### H. C. R. No. 24.

The Chair laid before the Senate H. C. R. No. 24, Relative to the adoption of the song "Bluebonnets" as the State Flower Song.

Read and adopted.

Senators Poage and Purl received unanimous consent to be recorded as voting "no."

#### Senate Bill No. 76.

The Chair laid before the Senate on its second reading S. B. No. 76.

On motion of Senator Rawlings the bill was laid on the table subject to call.

#### Senate Bill No. 262.

The Chair laid before the Senate out of its regular order by unanimous consent on its second reading the following bill:

By Senator Oneal:

S. B. No. 262, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1931, due the State,

any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns, and villages, provided said taxes are paid on or before September 1, 1933; and for the purposes of releasing the interest and penalties on all ad valorem and poll taxes that became delinquent after February 1, 1931, and prior to September 1, 1933, due the State, any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns and villages, provided said taxes are paid on or before December 1, 1933; and providing further, etc."

Read second time.

Senator Oneal sent up the following amendments:

**Amendment No. 1.**

Amend S. B. No. 262 by striking out of Section 1 thereof, in line 40 and in line 50 of the printed bill, the words "special school district," and insert in lieu thereof the word "common."

ONEAL.

Read and adopted.

**Amendment No. 2.**

Amend S. B. No. 262 by inserting in line 45 and in line 55 of the printed bill, immediately after the word "villages" in each line and before the parenthesis mark, the words "and special school districts and independent school districts."

ONEAL.

Read and adopted.

**Amendment No. 3.**

Amend S. B. No. 262 by inserting in line 58 of the printed bill, immediately after the word "villages" the following: "and special school districts and independent school districts."

ONEAL.

Read and adopted.

**Amendment No. 4.**

Amend S. B. No. 262 by inserting in line 59 of the printed bill, and

immediately after the word "village," the following: "or special school districts or independent school districts."

ONEAL.

Read and adopted.

**Amendment No. 5.**

Amend S. B. No. 262 by adding immediately after the word "village" at the end of Section 2 of said bill the following:

"or special school district or independent school district."

ONEAL.

Read and adopted.

**Amendment No. 6.**

Amend S. B. No. 262 by striking out after the word "and" in line 49, page 1, of the printed bill the following:

"prior to September 1, 1933" and insert in lieu thereof:

"on or before February 1, 1933."

ONEAL.

Read and adopted.

**Amendment No. 7.**

Amend S. B. No. 262 by amending the caption to conform to the amended bill.

ONEAL.

Read and adopted.

Senator Holbrook moved to indefinitely postpone the bill. The motion was lost by the following vote:

Yeas—3.

Holbrook.	Small.
Pace.	

Nays—20.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Purl.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Stone.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Murphy.	Woodward.

Absent.

Martin.	Parr.
Moore.	Poage.

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

The bill was passed to engrossment.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 262 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Pace.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

Holbrook.

Absent.

Martin.	Parr.
Moore.	

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—3.

Cousins.	Pace.
Holbrook.	

Absent.

Martin.	Small.
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Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Senate Bill No. 78.

The Chair laid before the Senate on its second reading the following bill:

By Senator Rawlings:

S. B. No. 78, A bill to be entitled "An Act to amend Section 13, Chapter 277, page 480, Acts of the Forty-second Legislature, Regular Session, providing that before a permit or certificate of public convenience and necessity may be issued to any motor carrier, or before any motor carrier may lawfully operate under such permit or certificate, such motor carrier shall file with the Commission bonds and insurance policies issued by companies authorized by law to transact business in Texas, in an amount to be fixed by the Commission under such rules and regulations as it may prescribe; etc., and declaring an emergency."

Read second time.

Senator Rawlings sent up the following amendment:

Amend S. B. No. 78, page 2, line 18, by inserting after the words "motor carrier" the phrase:

"and hearing."

RAWLINGS.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 78 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.

Absent.

Martin.	Poage.
Parr.	

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed by the following vote:

## Yeas—21.

Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## Nays—3.

Beck.	Pace.
Murphy.	

## Absent.

Holbrook.	Parr.
Martin.	

## Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

## Senate Bill No. 76.

Senator Rawlings called up from the table the following bill:

By Senator Rawlings:

S. B. No. 76, A bill to be entitled "An Act relating to the installation, operation and use of short wave radio receiving sets in motor vehicles, prohibiting the installation and use thereof without a permit, except by bona fide peace officers, prescribing the penalty and declaring an emergency."

Read second time.

Senator Rawlings sent up the following amendment:

Amend S. B. No. 76 by adding a new paragraph to follow immediately after Section 1, to read as follows:

"The provisions of this Act shall not apply to such radio equipment installed in aeroplanes; neither shall this Act apply to research and experimental work being done by licensed amateur operators under the jurisdiction of the Federal government."

## RAWLINGS.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 76 was put on its third reading and final passage by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent.

Martin.	Parr.
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## Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent.

Martin.	Parr.
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## Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

## Senate Bill No. 12.

The Chair laid before the Senate on its second reading the following bill:

By Senator Oneal:

S. B. No. 12, A bill to be entitled "An Act to provide that no water improvement district, water control and improvement district, water control and preservation district, levee improvement district, nor drainage district, shall be required to give bond on any appeal or writ of error taken by it, or either of

them, in any civil case, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 12 was put on its third reading and final passage by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent.

Martin.	Parr.
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## Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent.

Martin.	Parr.
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## Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

## Senate Bill No. 441.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Holbrook:

S. B. No. 441, Relative to appropriating \$50,000 for contingent expenses of this Legislature, and declaring an emergency.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 441 was put on its second reading by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent.

Martin.	Parr.
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## Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 441 was put on its third reading and final passage by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent.  
Martin.  
Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

Read third time and finally passed  
by the following vote:

Yeas—25.

Beck. Oneal.  
Blackert. Pace.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Greer. Regan.  
Holbrook. Small.  
Hopkins. Stone.  
Hornsby. Woodruff.  
Moore. Woodul.  
Murphy. Woodward.  
Neal.

Absent.

Martin. Parr.

Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

#### Senate Bill No. 442.

The Chair laid before the Senate,  
by unanimous consent, the following  
bill:

By Senator Holbrook:

S. B. No. 442, Relative to appro-  
priating \$200,000 for mileage and  
per diem, and declaring an emer-  
gency.

On motion of Senator Holbrook,  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and S. B. No. 442 was  
put on its second reading by the fol-  
lowing vote:

Yeas—25.

Beck. Oneal.  
Blackert. Pace.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Greer. Regan.  
Holbrook. Small.  
Hopkins. Stone.  
Hornsby. Woodruff.  
Moore. Woodul.  
Murphy. Woodward.  
Neal.

Absent.  
Martin. Parr.  
Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

The rule requiring committee re-  
ports to lie over one day was sus-  
pended by unanimous consent.

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to engrossment.

On motion of Senator Holbrook,  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and S. B. No. 442 was put  
on its third reading and final passage  
by the following vote:

Yeas—25.

Beck. Oneal.  
Blackert. Pace.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Greer. Regan.  
Holbrook. Small.  
Hopkins. Stone.  
Hornsby. Woodruff.  
Moore. Woodul.  
Murphy. Woodward.  
Neal.

Absent.

Martin. Parr.

Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

Read third time and finally passed  
by the following vote:

Yeas—25.

Beck. Oneal.  
Blackert. Pace.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Greer. Regan.  
Holbrook. Small.  
Hopkins. Stone.  
Hornsby. Woodruff.  
Moore. Woodul.  
Murphy. Woodward.  
Neal.

Absent.

Martin. Parr.



**Absent—Excused.**

Fellbaum.                      Russek.  
Patton.                         Sanderford.

**Point of Personal Privilege.**

Senator Purl addressed the Senate on a point of personal privilege and received unanimous consent to have printed in the Journal the following statement:

Austin, Texas, March 13, 1933.

Mr. President: I rise to a point of personal privilege.

A syndicated news article going out to many weekly newspapers of this State, written by S. W. Adams under the title of "What's the Matter with Texas?" under date of February 3, and one or more papers in Dallas County copied and carried the following item under the title of "Capitol Rats":

"A Senator who fought (for home consumption) for \$8.00 a day had a niece for two years on the payroll of the State Asylum here, with full subsistence and \$150.00 a month with small duties while she attended the University. He now has a nephew in the same institution drawing \$40.00 a month and full subsistence while he attends the University."

Since this article was copied in the Dallas County papers and in view of the fact that I am one of the Senators drawing \$8.00 per day I want to state that I do not now have and I have never had any relative on the State payroll during the ten years I have been in the Legislature, except my brother, D. S. Purl, who is now serving as district attorney in Corpus Christi, Texas, and who was elected by the people.

I ask unanimous consent that this statement be printed in the Journal in order that the official record may show that while I am drawing \$8.00 per day I do not have any relative and have never had any relative working in any department or institution in this State, neither have I ever had a niece or nephew attending the University during the ten years I have been in the Legislature.

GEORGE C. PURL.

**Point of Personal Privilege.**

Senator Poage received unanimous consent to send up and have printed in the Journal the following statement on a point of personal privilege:

I desire to join with Senator Purl in resenting the implication contained in the statement referred to and to state that I am one of the Senators who fought for an eight dollar per day salary and further that I have no relative working for any State department, and, so far as I know, I have had no relatives whatever working for the State at any time since I have served in either House of the Legislature except a cousin who was employed by an eleemosynary institution without my knowledge or request at a salary of about \$40 per month. The insinuation that the members of the Senate who sought to reduce their own salaries were at the same time loading the State payroll with their own kinsmen, is, so far as I am concerned, absolutely false.

POAGE.

**Resolution Signed.**

The Chair, President Pro Tem. Walter Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 19.

**Senate Bill No. 173.**

Seantor Woodward called up from the table the following bill:

By Senator Woodward:

S. B. No. 173, A bill to be entitled "An Act providing for the certification of questions of law by trial courts to Courts of Civil Appeals and by such courts to the Supreme Court, and for the appeal by litigants from orders of trial courts overruling or sustaining general or special exceptions involving the constitutionality or validity of laws, orders, rules and regulations of State officers, boards, and other commissions; providing the means and manner thereof; providing the rights, powers and duties of such courts, and providing generally for the enforcement hereof, and declaring an emergency."

Read second time.

Senator Woodward sent up the following amendment:

Amend S. B. No. 173 by striking out the words "now or" in line 1, Section 1, page 1.

WOODWARD.

Read and adopted.

Senator Woodward received unanimous consent to amend Section 1, line 24, page 1 of the printed bill by inserting after the word "any" the word "such."

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 173 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent.

Martin. Parr.

Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent.

Martin. Parr.

Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

Senate Bill No. 88.

Senator Beck called up from the table the following bill:

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 88, A bill to be entitled "An Act amending Chapter 91, page 222, section 4 of the Acts of the Forty-first Legislature, 1929, First Called Session; relating to additional duties of the State Auditor; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 88 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent.

Martin. Parr.

Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent.

Martin. Parr.

Absent—Excused.

Fellbaum. Russek.  
Patton. Sanderford.

**Senate Bill No. 42.**

The Chair laid before the Senate, on its second reading, the following bill:

By Senator Duggan:

S. B. No. 42, A bill to be entitled "An Act amending Article 2691 Revised Statutes of Texas, 1925, and declaring an emergency."

Read second time.

On motion of Senator Duggan, the following House bill on the same subject was substituted for S. B. No. 42, which was laid on the table subject to call:

By Mr. Thomas:

H. B. No. 34, A bill to be entitled "An Act amending Article 2691, Revised Statutes of Texas, 1925, and declaring an emergency."

Senator Redditt sent up the following amendment:

Amend H. B. No. 34, line 41, page 1 of said bill by striking out the word "not" and add after the word "attendance" the following: "Based on the rate of their regular monthly salaries, payment to be made at the close of the year."

REDDITT.

The amendment was read and lost by the following vote:

Yeas—5.

Cousins.	Redditt.
Greer.	Woodruff.
Pace.	

Nays—16.

Beck.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Regan.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodward.

Present—Not Voting.

Rawlings.	Woodul.
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Absent.

Blackert.	Martin.
Hopkins.	Parr.

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

The bill was passed to third reading.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 34 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent.

Martin.	Parr.
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Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent.

Martin.
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Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

**House Bill No. 211.**

Senator DeBerry received unanimous consent to call up from the table the following bill:

By Mr. Good:

H. B. No. 211, A bill to be entitled "An Act amending Chapter 91, Acts First Called Session, Fortieth Legis-

lature, as amended by Chapter 77, Acts First Called Session, Forty-first Legislature, as amended by Chapter 164, Acts Regular Session, Forty-second Legislature, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 211 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent.

Martin.

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed.

#### Senate Bill No. 51.

Senator Woodward called up from the table the following bill:

By Senator Woodward:

S. B. No. 51, A bill to be entitled "An Act permitting citation to be served and return to be made by registered mail; and declaring an emergency."

Read second time.

Senator Woodward sent up the following amendments:

#### Amendment No. 1.

Amend S. B. No. 51 by inserting after the word "place" in line 17, page 1, the following:

"Provided that if the law applying to the court wherein the suit has been filed requires a different

time for appearance and answer, then such different time shall be so stated and named."

WOODWARD.

Read and adopted.

#### Amendment No. 2.

Amend S. B. No. 51 by striking out of line 38, page 1, the words: "and shall be prima facie evidence of due service," and inserting in lieu thereof the following:

"And the clerk, if he shall have proceeded regularly according to this act, shall certify to such mailing of notice and copy of petition and to such receiving of such return receipt and to such date when he so received it; and such return receipt and the statements of such certificate shall be prima facie evidence of due service upon the date of delivery to addressee as indicated on such return receipt, or if no such date is sufficiently indicated, shall be prima facie evidence of due service, upon the date, as so certified, upon which the clerk received such return receipt."

WOODWARD.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 51 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent.

Martin.

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent.

Martin.

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

## Senate Bill No. 142.

Senator Greer called up from the table the following bill:

By Senator Greer:

S. B. No. 142, A bill to be entitled "An Act to amend Section 8, Chapter 10, Acts of the Forty-first Legislature, Second Called Session, relating to the duties of the State Board of Education pertaining to teacher's certificates; protecting rights of teachers holding certificates under existing law; repealing all laws in conflict herewith, and declaring an emergency."

On motion of Senator Greer, the bill was laid on the table subject to call.

## Senate Bill No. 113.

The Chair laid before the Senate on its second reading the following bill:

By Senator Oneal:

S. B. No. 113, A bill to be entitled "An Act providing when, how and in what manner any water improvement district or water control and improvement district or conservation and reclamation district, now or hereafter organized and existing under the Constitution and laws of this State may refund any of its outstanding bonds or any of its valid outstanding notes, warrants or other obligations (other than bonds); etc."

Read second time.

Senator Oneal sent up the following amendments:

## Amendment No. 1.

Amend S. B. No. 113, Section 1, line 42, by inserting between the words "district" and "now" the words "or irrigation district."

ONEAL.

Read and adopted.

## Amendment No. 2.

Amend S. B. No. 113, Section 3, line 39, by inserting between the words "district" and "now" the words "or irrigation district."

ONEAL.

Read and adopted.

## Amendment No. 3.

Amend S. B. No. 113, Section 4, line 51, by inserting between the words "district" and "now" the words "or irrigation district."

ONEAL.

Read and adopted.

## Amendment No. 4.

Amend S. B. No. 113 by striking out the following language beginning immediately after the word "bonds" and the period in line 22 of the original bill and line 60 of the printed bill:

"The Comptroller shall not register such new bonds until the old bonds in lieu of which they are issued are presented to him for cancellation. The Comptroller shall keep said new bonds until the old ones are presented to him for exchange or payment. In case same are presented to him for payment the district shall pay same before said new bonds are registered."

And insert in lieu thereof the following:

"The Comptroller shall not register said new bonds until the old bonds in lieu of which they are issued are presented to him for cancellation."

ONEAL.

Read and adopted.

## Amendment No. 5.

Amend S. B. No. 113, by adding a new section to be designated "Section 6" and renumbering succeeding sections, said section to be and read as follows:

"Section 6. If any section, paragraph, sentence, clause or phrase of this Act shall be declared to be unconstitutional such action on the part of the court shall not be con-

strued and interpreted as affecting any section, paragraph, sentence, clause or phrase not so held unconstitutional, but said unaffected parts of this Act shall remain in full force and effect."

ONEAL.

Read and adopted.

Amendment No. 6.

Amend the caption of S. B. No. 113 to conform to the amendments to the bill.

ONEAL.

Read and adopted.

Senator Purl moved to set the bill as special order Wednesday morning immediately following the morning call. The motion prevailed.

**Senate Bill No. 164.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Duggan:

S. B. No. 164, A bill to be entitled "An Act to repeal Article 794, Penal Code of the Revised Statutes which provides that the operators of motor vehicles in passing each other on the state highways shall slow down their speed to fifteen miles per hour; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 164 was put on its third reading and final passage by the following vote:

Yes—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Fellbaum.	Russek.
Patton.	Sanderford.

**Senate Bill No. 183.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

S. B. No. 183, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation of operator's and chauffeur's licenses under certain conditions, forbidding driving by persons without licenses; providing penalties, defining terms and providing for certain exemptions, enacting other provisions necessary and incidental to the subject of the Act, and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend S. B. No. 183 by adding at the end of Section 4 in line 24 the following: "provided, however, that no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle."

POAGE.

The amendment was read and adopted.

Senator Poage received unanimous consent to amend the bill by striking out of Section 14 (a), page

4 of the printed bill the paragraph beginning with the word "First:"

Senator Purl sent up the following amendment:

Amend S. B. 183, Section 9, page 3, line 13 by striking out "fifty cents" and insert in lieu thereof the following "twenty-five cents" which fee shall be a fee of office and accounted for as such as provided in Chapter 91, Acts of Forty-first Legislature, 1929, First Called Session.

PURL,  
DeBERRY,  
MOORE,  
WOODWARD.

Read and adopted.

#### Senate Bill No. 433.

Senator Beck asked unanimous consent to take up out of its regular order S. B. No. 433.

Objection was heard.

#### Adjournment.

On motion of Senator Rawlings, the Senate, at 5:38 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, March 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 374, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

##### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, March 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 262 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, March 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 441, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, March 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 442, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, March 9, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 3, Proposing to repeal Article V of the Constitution of the State of Texas, the same being the article creating the Judicial Department of the State and to adopt and enact a new Article V in lieu thereof, reorganizing the Judicial Department of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ONEAL, Chairman.

Committee Room,  
Austin, Texas, March 9, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 1, Proposing amendment to Section 9 of Article 8 of the Constitution of the State of Texas.

Providing that for all years after 1934 the State tax on property, exclusive of the tax necessary to pay the public debt and the taxes provided for the benefit of public free schools, and of taxes for the Confederate Pension, shall never exceed fifteen cents on the one hundred dollar valuation, and providing for municipal taxation as is now provided in Section 9 of Article 8 of the Constitution of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments Nos. 1, 2, 3, and 4, and be printed.

ONEAL, Chairman.

## Committee Amendment No. 1.

Amend S. J. R. No. 1 by striking out all that part of Section 1 after the word "laws" at the end of the first paragraph of said Section 1.

## Committee Amendment No. 2.

Amend S. J. R. No. 1 by striking out of the caption of said bill the following words after the word "valuation:"

"and providing for municipal taxation as is now provided in Section 9, Article 8, of the Constitution of the State of Texas."

## Committee Amendment No. 3.

Amend S. J. R. No. 1 by striking out of the first part of Section 2 which is in quotation marks and beginning after the word "valuation" the following:

"and providing further for municipal taxation as is now provided for in Section 9, Article 8 of the Constitution of Texas."

## Committee Amendment No. 4.

Amend S. J. R. No. 1 by striking out of the second part of Section 2, which is in quotation marks, and beginning after the word "valuation" the following:

"and providing further for municipal taxation as is now provided for in Section 9 Article 8 of the Constitution of Texas."

## Committee Amendment No. 5.

Amend S. J. R. No. 1 by striking out all of lines 39 to 51 inclusive on page 1.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 7, Proposing an amendment to Art. IX of the Constitution of the State of Texas so as to authorize counties having cities of a population in excess of 200,000 inhabitants to adopt a suitable charter providing for the government of such county, city and any or all governmental districts, municipal or quasi-municipal, within such county, subject to such limitations as may be prescribed by the Legisla-

ture; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 12, Proposing to amend Sections 1, 2, 6 and 7 of Article V of the Constitution of Texas, the same being the article creating the Judicial Department of the State, so as to make Sections 1, 2, 6 and 7 of Article V read as follows: etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that committee substitute do pass and be printed.

ONEAL, Chairman.

## Committee Amendment.

## S. J. R. No. 12.

Proposing to amend Sections 1, 2, 6 and 7 of Article V of the Constitution of Texas, the same being the article creating the Judicial Department of the State, so as to make Sections 1, 2, 6, and 7, of Article V, read as follows:

Be it resolved by the Legislature of the State of Texas:

Section 1. That the Constitution of the State of Texas shall be amended so that Sections 1, 2, 6, and 7 of Article V of the Constitution of Texas shall read as follows:

## Article V

## Judicial Department

Section 1. The judicial power of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Court of Criminal Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law.

The Legislature may establish such other courts as it may deem



necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

Section 2. The Supreme Court shall consist of nine Justices, any seven of whom shall constitute a quorum, and the concurrence of five Justices shall be necessary to the decision of a case. No person shall be eligible to the office of Justice of the Supreme Court unless he be at the time of his election a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court, or such lawyer and judge together, at least seven years. The judges of the Supreme Court of Texas shall be elected by the qualified voters of the State at large at a general election and shall hold office for six years and until their successors are elected and qualified, and shall receive the annual salary that members of the Supreme Court receive at the time this amendment takes effect, until otherwise provided by law. In case of vacancy in the office of Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and until their successors are elected and qualified.

A majority of the members of the Supreme Court shall select one of their number Chief Justice, who shall serve for two years, and until his successor is selected, and who shall have such administrative powers and perform such administrative duties as may be prescribed by law. The Court may designate one or more judges to assist in the work of the Supreme Court for such length of time as the Supreme Court may determine, but not more than one judge at any one time shall be designated from any one supreme judicial district. Such judge may be either a member of the Court of Civil Appeals or a District Judge,

and when so designated, such judge shall have the authority to perform all the duties of a member of the Supreme Court, but no more than nine judges shall sit in any case.

The members of the Supreme Court provided for in this amendment, except the members whose terms of office extend beyond the time this amendment becomes effective, shall be elected at the first general election after the State is divided into supreme judicial districts, and shall begin their terms of office on the first day of the following January.

As soon as practicable after the election and qualification of the Justices of such Court under this amendment, the terms of office of the Justices of said Court shall be divided into three classes, so that, including those whose terms have not expired, three Supreme Court Justices shall hold office for two years, three for four years, and three for six years, and the Justices elected at such election shall draw lots for such places.

Section 6. The Legislature shall at its first session after the adoption of this amendment divide the State into not more than nine supreme judicial districts of as nearly the same population, according to the Federal census next preceding such action, as is practicable, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a Chief Justice and two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. Said Courts of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error.

Each of said Courts of Civil Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for

a term of six years and shall receive for their services the annual salary that Judges of the Courts of Civil Appeals receive at the time this amendment becomes effective, until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law.

The judges of the present eleven Courts of Civil Appeals whose terms of office extend beyond January first following the first general election after the adoption of this amendment shall continue in office, as hereinafter provided, and shall serve as members of such Courts of Civil Appeals as the Legislature may designate at the time the State is redistricted into supreme judicial districts, provided that no judge shall be designated to serve in a district other than that in which he resides, except where more than three judges reside in the same district. In the event that there are more than three times as many judges of the present Courts of Civil Appeals whose terms of office extend beyond January the first following the first general election after the adoption of this amendment, than the number of Supreme Judicial Districts created by the Legislature under the provisions of this amendment, the Legislature shall designate one of such additional judges as a member of a Court of Civil Appeals until the list of the additional judges is exhausted, but such additional judges shall not be allowed to draw by lot for a place on said Court as is subsequently provided for herein by the other members of the Court. The members of the Courts of Civil Appeals provided for in this amendment, except the members of the present Courts of Civil Appeals whose terms of office extend beyond the time this amendment becomes effective, shall be elected at the first general election after the State is divided into supreme judicial districts, and shall begin their terms of office on the first day of the following January, and until such time, the present Courts of Civil Appeals shall continue in existence.

As soon as practicable after the election and qualification of judges of such courts under this amendment, the terms of office of the judges of each court shall be divided into three classes, so that one judge of each court shall hold his office for two years, one for four years, and one for six years, and those who are elected or designated shall draw by lot for the different places. In case of vacancy in the office of Chief Justice or Associate Justice of a Court of Civil Appeals, the Governor shall fill the vacancy until the next general election, and such election the vacancy for the unexpired term shall be filled by election by the qualified voters of the district.

A majority of the members of any Court of Civil Appeals may at any time designate not more than two district judges from such supreme judicial districts to assist in the work of the Court of Civil Appeals for such length of time as the Court of Civil Appeals may determine, such judge shall have authority to perform all the duties of a member of the Court of Civil Appeals. The concurrence of a majority of the judges sitting in any case shall be necessary to a decision, but not more than three judges shall sit in any one case.

The cases pending in the eleven Courts of Civil Appeals at the time the Courts of Civil Appeals herein created are organized shall be apportioned among the Courts of Civil Appeals by the Supreme Court, and the Supreme Court shall thereafter continue to exercise the power of apportionment for the dispatch of business.

Section 7. The Legislature at its first session after this amendment is adopted shall, for election purposes only, divide each of the supreme judicial districts into judicial districts of as nearly the same population as practicable, which numbers may be increased or diminished by law; provided that at such first redistricting not more than ninety-nine judicial districts shall be created in the State, and that thereafter additional districts shall not be created so as to make the entire number of districts in the State exceed one for each sixty thousand population, or major fraction thereof, of the State according to the Federal census next preceding such action; and provided

no county shall be subdivided, but may constitute more than one district. In each district there shall be elected by the qualified voters thereof at a general election a judge, who shall be a citizen of the United States and of this State, and who shall have been a practicing lawyer of this State, or a judge of a court in this State for four years next preceding his election, who shall reside in his district during his term of office, and who shall hold his office for the period of six years, and shall receive for his services the salary received by district judges at the time this amendment becomes effective, until otherwise provided by law. Each district judge shall be a trial judge for the supreme judicial district in which the district from which he was elected is located. Fixed terms of district court are abolished and district court shall be open at all times in each county for the transaction of the business of such court, and each district judge shall hold sessions of court at the county seat of any county in the supreme judicial district at such time as directed by the presiding judge of the supreme judicial district in such manner as may be provided by law.

The Supreme Court shall designate one district judge in each supreme judicial district as presiding judge in such district, who shall continue as such presiding judge for the term for which he was elected, or until the Supreme Court designates some other district judge as presiding judge of such district; and who shall set the time for holding sessions of court in each county in the supreme judicial district, and designate the judge to preside at each session, provided that as many as three sessions shall be held in each county during each calendar year, and perform such other duties as may be prescribed by law.

The Legislature shall also provide for the holding of a session of the district court in any county seat by a special district judge when no district judge is available for holding such session of court.

District judges may hold court in any county in the State, and the Legislature shall provide a method for transferring district judges from one supreme judicial district to another.

The district judges provided for in

this amendment, except those whose terms of office extend beyond the time when this amendment becomes effective, shall be elected at the first general election after the Legislature divides the State into districts under the terms of this amendment, and shall hold their offices for a term of six years, and shall begin their terms on the first day of the following January, at which time all the provisions of this amendment shall become effective. The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their election or appointment, and shall serve as judges for the supreme judicial districts in which they reside. In case of a vacancy in the office of district judge of any district, the Governor shall fill the vacancy until the next general election, and at such election the vacancy for the unexpired term shall be filled by election by the qualified voters of the district.

Upon the organization of the Supreme Court under this amendment the present Commission of Appeals which was created to assist the Supreme Court shall be abolished.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified voters of this State at the next general election to be held on Tuesday after the first Monday in November, A. D. 1934, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the Constitution of the State of Texas amending Sections 1, 2, 6, and 7 of Article V of the Constitution of Texas."

Those voters opposing said proposed amendment shall write or have printed on their ballots the words:

"Against the amendment to the Constitution of the State of Texas amending Sections 1, 2, 6, and 7 of Article V of the Constitution of Texas."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have the same published as required by the Constitution.

Committee Room.

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 13. Proposing an amendment to Section 3 of Article VIII of the Constitution of the State of Texas, and providing for the levying and collection of taxes by general laws, and fixing the total amount of revenue which may be collected during each biennium, and the total amount of funds which may be expended during each biennium.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the committee substitute hereto attached do pass in lieu thereof, and be printed.

ONEAL, Chairman.

By Woodward. C. S. S. J. R. No. 13.

Proposing an amendment to Section 3 of Article VIII of the Constitution of the State of Texas, and providing for the levying and collection of taxes by general laws, and fixing the total amount of revenue which may be collected during each biennium, and the total amount of funds which may be expended during each biennium; provided that restriction herein contained as to amounts of taxes to be levied may be suspended in case of grave emergencies; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 3 of Article VIII of the Constitution of the State of Texas be so amended as to hereafter read as follows:

"Section 3. Taxes shall be levied and collected by general laws and for public purposes only; and the total amount of revenue which the State shall be authorized to collect during such biennium from taxes, licenses, permits and fees, (except fees paid by students to State educational institutions, and except rentals, bonuses and royalties obtained from public lands and other public property) shall not exceed a sum reasonably estimated to equal the product obtained by multiplying

the number of the inhabitants of this State by the sum of twenty dollars; provided however, the total amount of such revenue which may be so collected, shall be reduced by the amount of any surplus funds or unexpended appropriations remaining at the close of the preceding biennium. The expenditures of the State government of funds derived from the sources above referred to shall never exceed during any biennium, a sum equal to the product obtained by multiplying the number of inhabitants of this State by the sum of twenty dollars; provided, however, that the population of the State shall be determined by the then last preceding Federal census, to which population shall be added or deducted, as the case may be, for each year that has lapsed since the last preceding Federal census, the average yearly increase or decrease of the population as shown by said last Federal census when compared with the Federal census which immediately preceded said last Federal census. Provided, further, that in case of war, riots, or insurrection, or a statewide calamity caused by earthquake, fire, flood or an epidemic which seriously threatens the health of the citizens of this State, the Legislature shall have authority, by a two-thirds vote of both Houses, to suspend for a definite period this constitutional limitation as to the amount of money which may be collected and expended during the biennium."

Sec. 2. The foregoing constitutional amendment shall be submitted to the electors of this State qualified to vote on constitutional amendments at an election to be held throughout the State on the first Tuesday after the first Monday in November, A. D. 1934, at which election each ballot shall have printed the words:

"For the amendment of Section 3 of Article VIII of the State Constitution providing for the levying and collection of taxes and fixing the maximum amount thereof which can be collected and expended each biennium."

"Against the amendment of Section 3 of Article VIII of the State Constitution providing for the levying and collection of taxes and fixing the maximum amount thereof which can be collected and expended each biennium."

Each voter shall scratch out with pen or pencil the clause which he desires to vote against, so as to indicate whether he is voting for or against said proposed amendment.

Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation for said election, and have the same published as required by the Constitution and laws of the State of Texas.

Sec. 4. The sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated, to pay the expense of such publication and election.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 14, Proposing and submitting to the people of the State of Texas an amendment to Section 10 of Article 1 of the Constitution of Texas, authorizing the Legislature to enact a law providing for the prosecution of felonies by information as well as by indictment, and to modify the grand jury system.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 16, Proposing an amendment to Section 1 of Article 8 of the Constitution of the State of Texas, providing that taxation of real property shall be equal and uniform; and all property whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value as may be ascertained as provided by law; that the Legislature may make reasonable classification of all property other than real property for the purpose of taxation.

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 17, Proposing an amendment to Section 9 of Article 8 of the Constitution, authorizing an additional levy of taxes by political subdivisions of the State not to exceed two mills on the one dollar valuation.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 18, Proposing an amendment to Section 21, Article 4 of the Constitution of the State of Texas fixing the salary of the Secretary of State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 19, Proposing an amendment to Section 5 of Article 7 of the Constitution of the State of Texas; providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room.

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 20, Proposing an amendment to Article 5 of the Constitution of Texas by adding thereto Section 30 providing that the Legislature may, by general law, provide for complete forms of county organization and government different from that provided for in Article 5 of the Constitution of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room.

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 21, Proposing an amendment to Section 1 of Article 9 of the Constitution of the State of Texas, providing that the Legislature may by two-thirds vote create new counties and change the boundaries of existing counties.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room.

Austin, Texas, March 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 441, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, out of the general revenue of the State of Texas to pay the contingent expense of the regular session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room.

Austin, Texas, March 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 442, A bill to be entitled "An Act appropriating the sum of Two Hundred Thousand Dollars (\$200,000.00), or so much thereof as may be necessary, payable out of the general revenue fund, to pay the mileage and per diem of members and the salaries and per diem of officers and employees of the Forty-third Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room.

Austin, Texas, March 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

H. C. R. No. 35, Recommending L. A. Robinson for the position of administrative officer at the Bureau of Investigation in the Department of Justice.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODUL, Chairman.

Committee Room.

Austin, Texas, March 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

A memorial to Congress of the United States concerning the building of a storage reservation upon the Rio Grande at or near the State line between the states of Colorado and New Mexico, and the draining into the Rio Grande of the area in the San Luis Valley known as the Closed Basin.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, March 13, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Fi-  
nance, to whom was referred

S. B. No. 433, Relative to an ap-

propriation for a State Treasury  
vault.

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass, and  
be not printed.

HOLBROOK, Chairman.

**In Memory**  
**of**  
**Hon. C. M. Chambers**

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**SENATE SIMPLE RESOLUTION NO. 64.**

Senator Holbrook sent up the following resolution:

Whereas, It has pleased Almighty God, in his wisdom, to remove from labor to rest the Honorable C. M. Chambers, late Mayor of San Antonio, Texas, who served as Representative from Red River County during the Twenty-sixth Legislature, in 1899, and later as a member of the State Senate from that district and afterwards removed to San Antonio, where he engaged in the practice of law and was later named as District Attorney and Mayor, successively, holding the last named office at the time of his death last evening; and

Whereas, During his long term of public service to the people of Red River County, where he was born, and to the people of San Antonio, his adopted city, he rendered a distinctive, faithful and progressive service in each capacity to which he was called; and,

Whereas, "Mac" Chambers, as he was affectionately known, was loved and respected by all with whom he came in contact, evidencing always that kindly spirit of forbearance and fortitude which marked him a man among men. It is with sadness and regret that the Senate bids him good-bye with the hope that his soul has found rest in some genial clime where kindred spirits will welcome him home. Therefore, be it

Resolved, by the Senate of Texas, That this tribute of affection be printed on a special page in the Journal; that a copy of the same be mailed to each member of his family and that the Senate, when it adjourns today, do so in honor of his memory.

HOLBROOK,  
BECK,  
BLACKERT,  
COLLIE,  
DeBERRY,  
DUGGAN,  
FELLBAUM,  
GREER,  
HORNSBY,  
HOPKINS,

MARTIN,  
MOORE,  
MURPHY,  
NEAL,  
ONEAL,  
PACE,  
PARR,  
PATTON,  
POAGE,  
PURL,

RAWLINGS,  
REDDITT,  
REGAN,  
RUSSEK,  
SANDERFORD,  
STONE,  
SMALL,  
WOODRUFF,  
WOODWARD,  
WOODUL.

Read and adopted unanimously by a rising vote.